

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

Date Filed

15-CA-150748

April 23, 2015

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer (1) McDonald's Franchisee at 2465 U.S. 80 (2) McDonald's USA, LLC as Joint or Single Employer		b. Tel. No. 601-948-4060
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) (1) 2465 U.S. 80, Jackson MS, 39204 (2) McDonald's USA, LLC, One McDonald's Plaza, Oak Brook IL, 60523	e. Employer Representative (1) (b) (6), (b) (7)(C) (2) Gloria Santona	g. e-Mail
		h. Number of workers employed Approx. 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Food Service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) About (b) (6), (b) (7)(C) 2015, the Employer stated to employees that if they went on strike they would be fired. On (b) (6), (b) (7)(C) 2015, the Employer terminated employee (b) (6), (b) (7)(C) in retaliation for (b) (6) protected concerted/union activities, in particular (b) (6) participation in a protected one-day strike rally on (b) (6), (b) (7)(C) 2015.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Mid-South Organizing Committee		
4a. Address (Street and number, city, state, and ZIP code) Mid-South Organizing Committee 438 N. Skinker St. Louis MO 63130		4b. Tel. No. (b) (6), (b) (7)(C)
		4c. Cell No.
		4d. Fax No.
		4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Mid-South Organizing Committee		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 504.885.9994
By <u>Kevin R. Mason-Smith</u> (signature of representative or person making charge)		Office, if any, Cell No. (312) 308-0402
Kevin R. Mason-Smith (Print/Type name and title or office, if any)		Fax No. 504.885.9969
Address 2540 Severn Ave, Suite 400 Metairie, LA 70002		e-Mail kmason@ruspclaw.com
		4/23/15 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 S Maestri Pl Fl 7
New Orleans, LA 70130-3414

Agency Website: www.nlr.gov
Telephone: (504)589-6361
Fax: (504)589-4069



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April 23, 2015

(b) (6), (b) (7)(C)

McDonald's Franchisee at 2465 U.S. 80
2465 U.S. 80
Jackson, MS 39204

Re: McDonald's Franchisee at 2465 U.S. 80 and
McDonald's USA, LLC as Joint or Single
Employer
Case 15-CA-150748

Dear **(b) (6), (b) (7)(C)**:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JEREMIAH R. BURKHARDT whose telephone number is (504)589-6370. If this Board agent is not available, you may contact Supervisory Field Examiner REBECCA A. DORMON whose telephone number is (504)589-6385.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

April 23, 2015

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

McDonald's Franchisee at 2465 U.S. 80 and - 3 -
McDonald's USA, LLC as Joint or Single
Employer
Case 15-CA-150748

April 23, 2015

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in McKinney.

M. KATHLEEN MCKINNEY
Regional Director

MKM/kll

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: McDonald's USA, LLC as Joint or
Single Employer
One McDonald's Plaza
Oak Brook, IL 60523

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's Franchisee at 2465 U.S. 80 and McDonald's USA, LLC as Joint or Single Employer

CASE NUMBER

15-CA-150748

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**

A. STATE OF INCORPORATION OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may

cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**MCDONALD'S FRANCHISEE AT 2465 U.S. 80
AND MCDONALD'S USA, LLC AS JOINT OR
SINGLE EMPLOYER**

Charged Party

and

MID SOUTH ORGANIZING COMMITTEE

Charging Party

Case 15-CA-150748

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 23, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

McDonald's Franchisee at 2465 U.S. 80
2465 U.S. 80
Jackson, MS 39204

McDonald's USA, LLC as Joint or Single
Employer
One McDonald's Plaza
Oak Brook, IL 60523

April 23, 2015

Date

Kelley Lindholm
Designated Agent of NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 S Maestri PI Fl 7
New Orleans, LA 70130-3414

Agency Website: www.nlr.gov
Telephone: (504)589-6361
Fax: (504)589-4069



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April 23, 2015

Kevin R. Mason-Smith, Esq.
Robein Urann Spencer Picard & Cangemi, APLC
2540 Severn Ave Ste 400
Metairie, LA 70002-5955

Re: McDonald's Franchisee at 2465 U.S. 80 and
McDonald's USA, LLC as Joint or Single
Employer
Case 15-CA-150748

Dear Ms. Mason-Smith:

The charge that you filed in this case on April 23, 2015 has been docketed as case number 15-CA-150748. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JEREMIAH R. BURKHARDT whose telephone number is (504)589-6370. If this Board agent is not available, you may contact Supervisory Field Examiner REBECCA A. DORMON whose telephone number is (504)589-6385.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

April 23, 2015

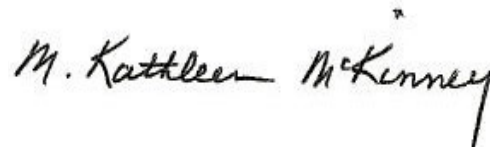
fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN MCKINNEY
Regional Director

MKM/kll

cc: Mid South Organizing Committee
438 N Skinker Blvd
Saint Louis, MO 63130-4894

From: [Dormon, Rebecca A.](#)
To: [Burkhardt, Jeremiah R.](#)
Subject: RE: Case Status Report Due MONDAY!!!
Date: Monday, May 4, 2015 10:55:00 AM

Jeremiah,

(b) (5)



Thanks,
Becky

From: Burkhardt, Jeremiah R.
Sent: Monday, May 04, 2015 9:41 AM
To: Dormon, Rebecca A.
Subject: RE: Case Status Report Due MONDAY!!!


Again, my apologies for the delay. I will try and keep it updated as cases are assigned to me so it won't be as time consuming to get update.

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15
Phone 504-589-6370 / Fax 504-589-4069

From: Burkhardt, Jeremiah R.
Sent: Saturday, May 02, 2015 12:26 PM
To: Dormon, Rebecca A.
Subject: Re: Case Status Report Due MONDAY!!!

I apologize, I meant to email you before I left yesterday. I was trying to get that petition stripped all day Friday other than the two hours I was in meeting with Kathy. I'll make it my first priority on Monday (b) (5)



On May 2, 2015 12:15 PM, "Dormon, Rebecca A." <Rebecca.Dormon@nlrb.gov> wrote:

Jeremiah,

I have asked for your case status report on two days now. I asked for it on Thursday and to get it to me by close of business. You stated you were too busy and did not get it done. I asked for it again on Friday and you did not get it done or send me any explanation as to why you did not complete it. I am telling you again that I need your case status report by 10:00 am on Monday. When I ask for your case status report, I need it. I do not want a verbal response that you are all good and just getting things done. Send me your case status report by 10:00 am on Monday.

Becky

Rebecca A. Dormon
Supervisory Field Examiner
National Labor Relations Board
Region 15
F. Edward Hebert Building
600 South Maestri Street
Seventh Floor
New Orleans, LA 70130

504-589-6385- phone
504-589-4069- fax

rebecca.dormon@nllrb.gov

From: [Kevin Mason](#)
To: [Burkhardt, Jeremiah R.](#)
Subject: RE: McDonald's. 15-CA-150748
Date: Tuesday, May 5, 2015 8:19:00 PM

I will contact (b) (6), (b) tomorrow.

From: Burkhardt, Jeremiah R. [mailto:Jeremiah.Burkhardt@nlrb.gov]
Sent: Tuesday, May 05, 2015 5:34 PM
To: Kevin Mason
Subject: FW: McDonald's. 15-CA-150748

Kevin,

I called (b) (6), (b) (7)(C) yesterday, and twice today. I left a voicemail yesterday and again today asking that (b) (6) return my call to schedule affidavits, but (b) (6) has not called back. Can you follow up with (b) (6), (b) (7)(C) please?

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15
Phone 504-589-6370 / Fax 504-589-4069

From: Burkhardt, Jeremiah R.
Sent: Monday, May 04, 2015 5:19 PM
To: 'Kevin Mason'
Subject: RE: McDonald's. 15-CA-150748

I understand, it happens. I will let you know if I have any problems getting in touch with (b) (6), (b) (7)(C)

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15
Phone 504-589-6370 / Fax 504-589-4069

From: Kevin Mason [mailto:kmason@ruspclaw.com]
Sent: Monday, May 04, 2015 5:09 PM
To: Burkhardt, Jeremiah R.
Subject: RE: McDonald's. 15-CA-150748

Jeremiah,

I apologize. It totally slipped my mind. (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)

From: Burkhardt, Jeremiah R. [<mailto:Jeremiah.Burkhardt@nlrb.gov>]

Sent: Monday, May 04, 2015 5:06 PM

To: Kevin Mason

Subject: McDonald's. 15-CA-150748

Kevin,

I hadn't heard back from you regarding putting me in touch with (b) (6), (b) (7)(C) to assist me in setting up affidavits in the subject case. Can you forward me contact information for the person I need to talk to? Thanks!

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15

F. Edward Hebert Federal Building

600 South Maestri Place, 7th Floor

New Orleans, Louisiana 70130

Phone: 504-589-6370 Fax: 504-589-4069

Jeremiah.Burkhardt@NLRB.gov

Robein, Urann, Spencer, Picard & Cangemi APLC. 2540 Severn Ave, Suite 400 Metairie, LA 70002 Phone: 504.885.9994 Fax: 504.885.9969 <http://www.ruspclaw.com>

Robein, Urann, Spencer, Picard & Cangemi APLC. 2540 Severn Ave, Suite 400 Metairie, LA 70002 Phone: 504.885.9994 Fax: 504.885.9969 <http://www.ruspclaw.com>

From: (b) (6), (b) (7)(C)
To: [Burkhardt, Jeremiah R.](#)
Subject: Re: (b) (6), (b) (7)(C)
Date: Thursday, May 14, 2015 3:10:13 PM

Hi Jeremiah,

Sorry for the delayed response. We have had trouble finding (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) phone has been disconnected and (b) (6) does not have stable housing. If we find (b) (6), (b) (7)(C) today or tomorrow then we should schedule (b) (6), (b) (7)(C) affidavit. If we do not find (b) (6), (b) (7)(C) we will probably have to withdraw the charge. Thank you for your understanding.

Sent from my iPhone

On May 14, 2015, at 12:27 PM, Burkhardt, Jeremiah R. <Jeremiah.Burkhardt@nlrb.gov> wrote:

(b) (6), (b) (7)(C)

I saw the emails between you and Agent Garner regarding your video affidavit interview. Are you still handling setting up arrangements regarding (b) (6), (b) (7)(C)? I hadn't heard back from you regarding (b) (6) availability, and I know you are now up in Buffalo, so I wanted to check in and make sure I shouldn't be directing my communications to someone else.

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15
F. Edward Hebert Federal Building
600 South Maestri Place, 7th Floor
New Orleans, Louisiana 70130
Phone: 504-589-6370 Fax: 504-589-4069
Jeremiah.Burkhardt@NLRB.gov

From: [Burkhardt, Jeremiah R.](#)
To: ["Kevin Mason"](#)
Subject: RE: McDonald's, 15-CA-150748
Date: Tuesday, May 19, 2015 5:22:00 PM

I will process the charge accordingly. Please keep in mind that if for any reason you wish to re-file the charge allegations, there is a 6-month statute of limitations for doing so (see Section 10(b) of the Act). If I need anything further from you I will let you know. If you have any further concerns with regard to this matter, please do not hesitate to contact me.

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15
Phone 504-589-6370 / Fax 504-589-4069

From: Kevin Mason [mailto:kmason@ruspclaw.com]
Sent: Monday, May 18, 2015 3:08 PM
To: Burkhardt, Jeremiah R.
Subject: RE: McDonald's, 15-CA-150748

We will withdraw the charge until we are able to locate (b) (6), (b) (7)(C).

From: Burkhardt, Jeremiah R. [mailto:Jeremiah.Burkhardt@nlrb.gov]
Sent: Friday, May 15, 2015 3:14 PM
To: Kevin Mason
Subject: RE: McDonald's, 15-CA-150748

Kevin,

(b) (6), (b) (7)(C) emailed yesterday and told me there have been some difficulties getting in contact with (b) (6), (b) (7)(C). Did you all want to withdraw the charge until you all are able to get in touch with (b) (6), (b) (7)(C).

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15
Phone 504-589-6370 / Fax 504-589-4069

From: Kevin Mason [mailto:kmason@ruspclaw.com]
Sent: Monday, May 11, 2015 5:06 PM
To: Burkhardt, Jeremiah R.
Subject: Re: McDonald's, 15-CA-150748

I will look into it tomorrow when I return to the office.

Sent from my iPhone

On May 11, 2015, at 4:54 PM, "Burkhardt, Jeremiah R." <Jeremiah.Burkhardt@nlrb.gov> wrote:

Kevin,

I was able to speak to (b) (6), (b) (7)(C) briefly last week. Last (b) (6) and I spoke on Thursday, (b) (6) was looking into (b) (6), (b) (7)(C) availability this week. I hadn't heard back from (b) (6), (b) (7)(C) by Friday (May 8), so I tried calling (b) (6), (b) (7)(C) but (b) (6) did not answer. I tried again today, but couldn't get in touch with (b) (6), (b) (7)(C). My initial request for Charging Party evidence due by **Monday, May 18, 2015** is still currently effective. I've heard (b) (6), (b) (7)(C) may no longer be in the area, so I wanted to check in with you to find out if (b) (6), (b) (7)(C) will continue being the point person for scheduling witness affidavits, or if I should be in contact with someone else now. Please let me know as soon as possible. Thanks!

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15
Phone 504-589-6370 / Fax 504-589-4069

From: Kevin Mason [<mailto:kmason@ruspclaw.com>]
Sent: Thursday, May 07, 2015 10:16 AM
To: Burkhardt, Jeremiah R.
Subject: RE: McDonald's, 15-CA-150748
Importance: High

Jeremiah,

I spoke with (b) (6), (b) (7)(C) this morning. (b) (6), (b) (7)(C) is a working number for (b) (6), (b) (7)(C). Also, (b) (6), (b) (7)(C) can be reached at (b) (6), (b) (7)(C). I let (b) (6), (b) (7)(C) know that you will be contacting (b) (6), (b) (7)(C) to schedule affidavits.

Kevin R. Mason

From: Burkhardt, Jeremiah R. [<mailto:Jeremiah.Burkhardt@nlrb.gov>]
Sent: Wednesday, May 06, 2015 3:39 PM
To: Kevin Mason
Subject: McDonald's, 15-CA-150748

Kevin,

As mentioned yesterday (May 5, 2015) by e-mail, at your request, I have been trying to

reach Mid-South Organizing Committee ("Committee") (b) (6), (b) (7)(C) at the number you had previously provided for (b) (6), (b) (7)(C) in order to schedule affidavits in the subject case. On May 4, 2015, I called (b) (6), (b) (7)(C) at that number, but (b) (6) did not answer. I left a voicemail explaining I was calling to schedule affidavits for Charging Party witnesses in the subject case, including with alleged discriminatee (b) (6), (b) (7)(C). I left my name and phone number, and requested (b) (6), (b) (7)(C) return my call. On May 5, 2015, I called (b) (6), (b) (7)(C) again with no answer, and left a similar voicemail. I tried again later the same day. (b) (6) did not answer, but I did not leave a voicemail. Later the same evening is when I sent you the aforementioned email requesting your assistance getting in touch with (b) (6), (b) (7)(C). You responded, stating you would contact (b) (6), (b) (7)(C) the following day (today). On May 6, 2015, I again attempted to reach (b) (6), (b) (7)(C) by phone without success. The call rang repeatedly, but no voicemail picked up. To date, I have been unable to reach (b) (6), (b) (7)(C), and (b) (6) has not returned my calls.

Please keep in mind, it is your responsibility as the Charging Party to provide evidence in the above-captioned case. It is my understanding the Committee will be presenting (b) (6), (b) (7)(C) as a witness in this charge, and you are currently attempting to reach (b) (6), (b) (7)(C) to assist in arranging (b) (6), (b) (7)(C) affidavit interview. I write this letter to request that all evidence the Charging Party intends to provide in connection to this charge, including witnesses for affidavits, documentary evidence, and position statements, is due by the close of business on **Monday, May 18, 2015**. Accordingly, I request you or (b) (6), (b) (7)(C) contact me no later than the close of business on **Monday, May 11, 2015**, regarding the availability of your witnesses to provide Board affidavits.

If you do not comply with the deadlines set forth in this letter, I may assume that you are no longer interested in pursuing the charge and I will recommend dismissal. If the Charging Party is not prepared to present evidence by the deadline, it might also consider withdrawing the charge and re-filing it at a later date within the Section 10(b) period, when the Charging Party is able to timely present its evidence. If you have any questions, please do not hesitate to contact me.

Regards,
Jeremiah

Jeremiah R. Burkhardt, Field Examiner
National Labor Relations Board, Region 15

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Case Name: McDonald's Franchisee at 2465 U.S. 80 and McDonald's USA, LLC as Joint or Single Employer
Case No.: 15-CA-150748
Agent: Field Examiner Jeremiah R. Burkhardt

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
5/4/2015	CP atty Kevin Mason-Smith	Phone	<p>Called Mason, 11:16am. Office staff said she was unavailable. I left a message requesting she return my call.</p> <p>Voicemail from Mason, 12:09pm. I was on another call, so I could not answer. She requested I return her call.</p> <p>Called Mason within about five minutes after she called. Office staff said she was unavailable. I again left a message requesting she return my call.</p> <p>Voicemail from Mason, 12:15pm. She noted we were playing phone tag and asked that I call her back.</p> <p>Called Mason, 12:17pm. I told her I was calling to set up an affidavit for her witnesses in the instant charge. She stated she would have to put me in contact with (b) (6), (b) (7)(C), who would arrange for me to speak to the witnesses. She stated she would do so later today. I asked whether she intended to be present for affidavits, and she noted she was not representing the discriminatee individually, so she did not intend to participate.</p> <p>Called Mason, 5:04pm. Mason did not return my call, so I attempted to reach her, but her office was closed. I followed this up with an email.</p>
5/4/2015	CP contact (b) (6), (b) (7)(C)	Phone	<p>Called (b) (6), (b) (7)(C), 5:13pm. No answer. I left a voicemail requesting (b) (6), (b) (7)(C) return my call regarding scheduling alleged discriminatee (b) (6), (b) (7)(C) for an affidavit.</p>
5/5/2015	(b) (6), (b) (7)(C)	Phone	<p>Called (b) (6), (b) (7)(C) 12:05pm. No answer. I left a voicemail requesting (b) (6), (b) (7)(C) return my call</p>

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			regarding scheduling alleged discriminatee (b) (6), (b) (7)(C) for an affidavit. Called (b) (6), (b) (7)(C), 5:19pm. No answer. I chose not to leave another voicemail.
5/6/2015	(b) (6), (b) (7)(C)	Phone	Called (b) (6), (b) (7)(C), 1:15pm. No answer. The phone rang for some time, with no voicemail picking up before the call somehow ended.
5/7/2015	Mason	Phone	Call from Mason, 10:17am. She stated she'd just sent an email with (b) (6), (b) (7)(C) contact information, and (b) (6), (b) (7)(C) was waiting for my call.
5/7/2015	(b) (6), (b) (7)(C)	Phone	Called (b) (6), (b) (7)(C), 10:29am. We discussed discriminatee (b) (6), (b) (7)(C)' availability for an affidavit. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) would get in touch with (b) (6), (b) (7)(C) and let me know by tomorrow. I told (b) (6), (b) (7)(C) I'd like to aim for Monday, May 11, if possible, but definitely sometime next week at the latest.
5/11/2015	(b) (6), (b) (7)(C)	Phone	Called (b) (6), (b) (7)(C) 11:50am. No answer. I left a voicemail requesting (b) (6), (b) (7)(C) return my call regarding (b) (6), (b) (7)(C) availability for an affidavit interview.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
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New Orleans, LA 70130-3414

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Telephone: (504)589-6361
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May 20, 2015

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Andrew G. Madsen, Attorney at Law
Jones Day
77 W Wacker Dr Ste 3500
Chicago, IL 60601-1701

Re: McDonald's Franchisee at 2465 U.S. 80 and
McDonald's USA, LLC as Joint or Single
Employer
Case 15-CA-150748

Dear Ms. Davis, Mr. Ferrell and Mr. Madsen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/

M. Kathleen McKinney
Regional Director

MKM/kl

cc: See Page 2 of 2

McDonald's Franchisee at 2465 U.S. 80 and - 2 -
McDonald's USA, LLC as Joint or Single
Employer
Case 15-CA-150748

May 20, 2015

(b) (6), (b) (7)(C)

McDonald's Franchisee at 2465 U.S. 80
2465 U.S. 80
Jackson, MS 39204

Mcdonald's USA, LLC
As Joint Or Single Employer
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Oak Brook, IL 60523

Mid South Organizing Committee
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